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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,759	09/05/2000	Jason Green	A7586	8540

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EXAMINER

OUELLETTE, JONATHAN P

ART UNIT

PAPER NUMBER

3629

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/655,759	GREEN ET AL. <i>81</i>
	Examiner	Art Unit
	Jonathan Ouellette	3629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 07 July 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-66 is/are pending in the application.
4a) Of the above claim(s) 54-66 is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-53 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ .

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____ .

DETAILED ACTION

Request for Continued Examination

1. The Request filed on 7/7/2004 for Continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 09/655, 759 is acceptable and a RCE has been established. An action on the RCE follows.

Election/Restrictions

2. Applicant's election without traverse of Claims 1-53 by Applicant's Attorney Jeffery C. Maynard (Reg. No. 46,208) on 2/4/2004 (telephonic examiner interview - paper No.6) is acknowledged.

Response to Amendment

3. Claim 67 has been cancelled, Claims 1-66 remain pending in application 09/655,759.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. **Claims 1-19, 21-24, 27-39, and 43-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narrative Communications (www.narrative.com, published date 5/13/1998, retrieved from Internet Wayback Machine <http://web.archive.org> on 8/11/2003) in view of Wang (Wang, Nelson, "Narrative Rolls Out technology For Doing Sales Inside a Banner," Internet World (www.internetworkworld.com), May 4, 1998), in view of Kerstetter et al. (Kerstetter, Jim; Dodge, John, "Banner Ads Enlivened," PC Week, May 1, 1998), and further in view of Hind (US 5,987,523).**
6. As per independent Claim 1, Narrative Communications discloses a method of interactive advertising, comprising: displaying a Web page from a server for a first URL, said Web page having an ad space; displaying an ad in said ad space, wherein said ad is generated by an ad server and promotes a good or service offered at a server for a second URL; detecting a user interaction with said ad space; and in response to said interaction; enabling a user to conduct a purchasing transaction with said server for said second URL from within said ad space, without requiring said user to leave said ad space or said Web page from said server for said first URL (www.narrative.com).
7. - Narrative Communications fails to expressly disclose establishing bi-directional data communications between said ad space and an intermediary companion server and between said intermediary companion server and said server for said second URL; thereby circumventing client-side security restrictions.
8. However, Narrative Communications does disclose being fully integrated with existing customer merchant services and including a link the customer (1-800-Flowers) site (pg.19, www.narrative.com)

9. Wang discloses wherein the Narrative Enliven/Impulse system “will tie in directly to an advertiser’s site if it is using Microsoft Site Server, but eventually the service will work with other commerce servers as well.” Wang also discloses wherein Enliven uploads all the data to the advertiser’s ordering system, and then a confirmation is sent back to the spot where the banner appeared (bi-direction communication).
10. Furthermore, Kerstetter discloses wherein the Java applets used in the banner ads interact with Narrative’s Enliven system, which directs sales information back to the merchant’s site (circumventing client-side security restrictions).
11. Finally, Hind discloses a method for allowing dynamic applet access to servers from which the applet did not originate (cure for sandbox problem).
12. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included establishing bi-directional data communications between said ad space and an intermediary companion server and between said intermediary companion server and said server for said second URL; thereby circumventing client-side security restrictions, as disclosed by Hind, in the system disclosed by Kerstetter, in the system disclosed by Wang in the system disclosed by Narrative Communications, for the advantage of providing a method of interactive advertising, with the ability to increase the efficiency and effectiveness of the method by allowing bi-directional transaction communication with customer merchant system.
13. As per independent Claims 2, 48, and 51, Narrative Communications discloses an interactive advertising support method (element server, computer program product) comprising: (a processor, and a memory under control of said processor;) providing an element server;

providing to a web client an interactive element obtained from said element server (www.narrative.com).

14. Narrative Communications fails to expressly disclose providing at said element server a companion element corresponding to said interactive element, wherein said companion element can relay one-way and bi-directional data communication between said interactive element and any available distant server, receiving at said interactive element of said element server a distant target data requirement; responding to said distant target data requirement of said interactive element by sending to said companion element said distant target data requirement; receiving at said companion element said distant target data requirement; said companion element responding to said distant target requirement with corresponding data communications between said companion element and one or more distant servers, wherein said distant server is distinct from said element server; and said companion element sending results of said data communications from said distant server to said interactive element in satisfaction of said distant data requirement.
15. However, Narrative Communications does disclose being fully integrated with existing customer merchant services and including a link the customer (1-800-Flowers) site (pg.19, www.narrative.com)
16. Wang discloses wherein the Narrative Enliven/Impulse system “will tie in directly to an advertiser’s site if it is using Microsoft Site Server, but eventually the service will work with other commerce servers as well.” Wang also discloses wherein Enliven uploads all the data to the advertiser’s ordering system, and then a confirmation is sent back to the spot where the banner appeared (bi-direction communication).

17. Furthermore, Kerstetter discloses wherein the Java applets used in the banner ads interact with Narrative's Enliven system, which directs sales information back to the merchant's site.
18. Finally, Hind discloses a method for allowing dynamic applet access to servers from which the applet did not originate (cure for sandbox problem).
19. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included providing at said element server (Enliven system) a companion element (Java Applet) corresponding to said interactive element, wherein said companion element can relay one-way and bi-directional data communication between said interactive element and any available distant server, receiving at said interactive element of said element server a distant target data requirement (interaction/transaction with advertiser); responding to said distant target data requirement of said interactive element by sending to said companion element said distant target data requirement; receiving at said companion element said distant target data requirement; said companion element responding to said distant target requirement with corresponding data communications between said companion element and one or more distant servers (Enliven system works as middle man between advertisement and advertiser), wherein said distant server (Advertiser) is distinct from said element server (Enliven System); and said companion element sending results of said data communications from said distant server to said interactive element in satisfaction of said distant data requirement (confirmation/updated information sent back to banner display), as disclosed by Hind, in the system disclosed by Kerstetter, in the system disclosed by Wang, in the system disclosed by Narrative Communications, for the advantage of providing a method

of interactive advertising, with the ability to increase the efficiency and effectiveness of the method by allowing direct transaction communication with customer merchant system.

20. As per Claims 3, 49, and 52, Narrative Communications, Wang, Kerstetter, and Hind disclose when said distant target data requirement is a distant target file delivery request having a distant target file address indicating a distant target file of said distant server; said companion element: responds to said distant target file delivery request by obtaining said distant target file from said distant server, stores said distant target file at said element server as a local target file, and provides said local target file to said interactive element in satisfaction of said distant target file delivery request.
21. As per Claims 4, 50, and 53, Narrative Communications, Wang, Kerstetter, and Hind disclose when said distant target data requirement is a distant target file transmit request having a distant target file address indicating a distant target file destination address of said distant server; said interactive element provides said distant target file to said companion element; and said companion element responds to said distant target file transmit request by sending said distant target file to said distant target file destination address.
22. As per Claim 5, Narrative Communications, Wang, Kerstetter, and Hind disclose said web client being provided with a primary target file from a website system; said web client displaying for a user an original web page based on said primary target file; said primary target file including a reference to an ad space file of a distributor system; said ad space file including a reference to said interactive element; said interactive element defining an advertising program of an ad space of said primary target file; and said distant file server

defining a vendor system of a vendor, wherein said distributor system and said website system are separate from said vendor system.

23. As per Claim 6, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein:
said advertising program places information about said vendor directly in said ad space; and
said advertising program displays a user activatable area for browsing said distant file server for products of said vendor through said ad space without leaving said original web page.
24. As per Claim 7, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein
said advertising program displays a user activatable area for enabling said user to purchase a selected one of said products of said vendor without leaving said original web display.
25. As per Claim 8, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein
said advertising program includes a shopping cart capability allowing said user to select a plurality of said products and then purchase them all at one time without leaving said original web page.
26. As per Claim 9, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein:
said advertising program initially displays in said ad space a first presentation selected from the set consisting of images, animations, and text; and said advertising program responds to a first interaction of said user with said ad space by displaying a second presentation.
27. As per Claim 10, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein
an initial program load for said advertising program is performed so as to load a highest priority resource prior to loading, in a low priority thread, a remainder of resources required by said advertising program.

28. As per Claim 11, Narrative Communications, Wang, Kerstetter, and Hind disclose making a detection of an environment of said web client prior to said step of providing to said web client said interactive element.
29. As per Claim 12, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said detection of said environment includes determining one or more of: the kind of software for said web client; the kind of hardware on which said web client is running; and the connection speed between the element server and the web client.
30. As per Claim 13, Narrative Communications, Wang, Kerstetter, and Hind disclose selecting said interactive element based on said determination of said environment.
31. As per Claim 14, Narrative Communications, Wang, Kerstetter, and Hind disclose making a determination of a context of said original web page based on said primary target file; and selecting content for said interactive element based on said determination of said context of said original web page.
32. As per Claim 15, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said advertising program provides a presentation emulating a website of said vendor.
33. As per Claim 16, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said interactive element sends to said companion element a distant files request for a multimedia file, and provides the contents of said multimedia file through said ad space.
34. As per Claim 17, Narrative Communications, Wang, Kerstetter, and Hind disclose a step of said vendor updating said distant target file.

35. As per Claim 18, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said updating is performed automatically from said vendor system at a predetermined interval.
36. As per Claim 19, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said distant target data is an electronic product of said vendor and is delivered to said user via said companion element and said interactive element.
37. As per Claim 21, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said advertising program constitutes a registration engine for gathering user subscriptions.
38. As per Claim 22, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein content for display by said interactive element is selected based on information about said user.
39. As per Claim 23, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein information about said user is obtained from a cookie.
40. As per Claim 24, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said information about said user is obtained from an ad-tracking database.
41. As per Claim 27, Narrative Communications, Wang, Kerstetter, and Hind disclose providing to said user a price quote for a customized one of said products.
42. As per Claim 28, Narrative Communications, Wang, and Kerstetter disclose selecting content for said interactive element to display based on geographical information pertaining to said user.
43. As per Claim 29, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said interactive element is provided with information that is continually updated.

44. As per Claim 30, Narrative Communications, Wang, Kerstetter, and Hind disclose said interactive element providing a transaction capability for creating a transaction based on a present value of said information that is continually updated.
45. As per Claim 31, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said interactive element includes a user activatable area for setting an alert based on a present value of said information that is continually updated.
46. As per Claim 32, Narrative Communications, Wang, Kerstetter, and Hind disclose triggering said alert to create said transaction.
47. As per Claim 33, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said interactive element is structured to present to said user a live gaming interface.
48. As per Claim 34, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein user interactions with said interactive element are used as an input to an ad-tracking database storing information relating to said user.
49. As per Claim 35, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said ad tracking database stores shipping and purchasing information pertaining to said user, and said shipping and purchasing information is accessible by interactive elements pertaining to products from a plurality of vendors.
50. As per Claim 36, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said ad space includes a user activatable area for a user to initiate an operation for activating said interactive element in an independent window.

51. As per Claim 37, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said original web page includes a plurality of ad spaces with corresponding interactive elements.
52. As per Claim 38, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said corresponding interactive elements for said plurality of ad spaces are selected by said user.
53. As per Claim 39, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said advertising program displays a survey for gathering feedback from said user and stores a user response to said survey in an ad tracking database without leaving said original web page.
54. As per Claim 42, Narrative Communications, Wang, Kerstetter, and Hind disclose performing post presentation marketing by presenting to said user one or more of coupons, discounts, and incentives (common business marketing technique).
55. As per Claim 43, Narrative Communications, Wang, Kerstetter, and Hind disclose a step for sending to said vendor statistics relating to one or more of an environment of said user, behavior of said user, user interactions, and the duration of said user interactions.
56. As per Claim 44, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said interactive element provides a user communication interface for interactive communication between said vendor and said user through said ad space.
57. As per Claim 45, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said interactive element includes a natural language capable query program.

58. As per Claim 46, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said interactive element includes a conversation capable agent for communicating with said user.

59. As per Claim 47, Narrative Communications, Wang, Kerstetter, and Hind disclose wherein said interactive element includes a communication interface supporting a chat session.

60. Claims 20, 25, 26, and 40-42 are rejected under 35 U.S.C. 103 as being unpatentable over Narrative, in view of Communications Wang, in view of Kerstetter, and further in view of Hind.

61. As per Claim 20, Narrative Communications, Wang, Kerstetter, and Hind fail to expressly show wherein said electronic product of said vendor is one or more of: a software product, a written product, and a multimedia product.

62. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The interactive advertising support method would be performed regardless of the type of vendor product. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

63. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have presented an electronic product of said vendor as one or more of: a software product, a written product, and a multimedia product, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

64. As per Claims 25 and 26, Narrative Communications, Wang, Kerstetter, and Hind fail to expressly show wherein said ad tracking database is provided by said distributor system, and/or said vendor system.
65. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The interactive advertising support method would be performed regardless of the where the ad tracking database is provided. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
66. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the ad tracking database provided by said distributor system, and/or said vendor system, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.
67. As per Claim 40, Narrative Communications, Wang, Kerstetter, and Hind fail to expressly show sending advertising information to said user via one or more of e-mail, telephone calls, faxes, and mail.
68. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The interactive advertising support method would be performed regardless of the how the advertising information was sent. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of

patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

69. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have sent advertising information to said user via one or more of e-mail, telephone calls, faxes, and mail, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

70. As per Claim 41, Narrative Communications, Wang, Kerstetter, and Hind fail to expressly show wherein said environment information includes one or more of: connection bandwidth, hardware address, hardware platform, software environment, operating system, cookie data, data acquired from previous interactions, recent browsing history, referring website, current website context, purchasing history, address, age, country, language, sex, and survey data.

71. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The interactive advertising support method would be performed regardless of the environment information used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

72. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used environment information including one or more of: connection bandwidth, hardware address, hardware platform, software environment, operating system, cookie data, data acquired from previous interactions, recent browsing

history, referring website, current website context, purchasing history, address, age, country, language, sex, and survey data, because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

73. As per Claim 42, Narrative Communications, Wang, Kerstetter, and Hind fail to expressly show wherein said environment information includes one or more of: connection bandwidth, hardware address, hardware platform, software environment, operating system, cookie data, data acquired from previous interactions, recent browsing history, referring website, current website context, purchasing history, address, age, country, language, sex, and survey data.
74. However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The interactive advertising support method would be performed regardless of the environment information used. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).
75. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used environment information including one or more of: connection bandwidth, hardware address, hardware platform, software environment, operating system, cookie data, data acquired from previous interactions, recent browsing history, referring website, current website context, purchasing history, address, age, country, language, sex, and survey data, because such data does not functionally relate to the steps in

the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

Response to Arguments

76. Applicant's arguments filed 7/7/04, with respect to Claims 1-53, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

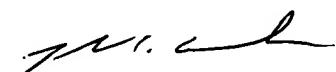
77. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (703) 605-0662. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.

78. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (703) 308-2702. The fax phone numbers for the organization where this application or proceeding is assigned (703) 872-9306 for all official communications.

79. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.



jo
September 16, 2004



JOHN G. WEISS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600